IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 15847 of 2007(S)

PETITIONER:

ABDUL SAMAD, S/O.MOIDUTTY,
THEKKEPAINKAL, THAZHE ANGADI,
PAINKANNOOR P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:
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1. THE DIRECTOR, VIGILANCE & ANTI CORRUPTION BUREAU, THIRUVANANTHAPURAM.

2. THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, MALAPPURAM.

3. THE SECRETARY, VALANCHERRY GRAMA PANCHAYATH, P.O VALANCHERRY PIN 676 552, MALAPPURAM DISTRICT.

4. FIROZE BABU K.M., PRESIDENT, VALANCHERRY GRAMA PANCHAYATH VYAVASAYA SAHAKARANA SANGHAM LTD.NO.S IND(M) 122, VALANCHERRY P.O., PIN 676 552, MALAPPURAM DISTRICT.

5. ACHUTHAN E.P., SECRETARY, VALANCHERY GRAMA PANCHAYATH VYAVASAYA SAHAKARANA SANGHAM LTD.NO.S IND(M) 122, VALANCHERRY P.O., PIN 676 552, MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER ADV. SMT. MEERA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.P.(C) No. 15847 OF 2007

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Dated this the 30th May, 2007

J U D G M E N T

H.L. Dattu, C.J.:

Petitioner is a tax payer and a resident of Valancherry Grama Panchayat (herein after, for the sake of brevity, referred to as 'Panchayat').

2. Respondents Nos. 4 and 5 are the President and Secretary of a Co-operative Society. They had taken money from the Panchayat for starting a manufacturing unit for giving employment to the members of the Society. It is stated in the petition that the Panchayat had sanctioned a sum of Rs. 3,85,000/- to the 4th respondent and Rs.3,62,000/- to the 5th respondent for starting the manufacturing unit.

3. It is the grievance of the petitioner that though the said amounts had been received by 4th and 5th respondents, the same has not been utilized for the purpose which was intended to. Therefore, the petitioner is before this court, seeking for certain directions to the Panchayat and also to the other respondents.

4. Along with the Writ Petition, the petitioner has also produced the letters issued by them to the Village Panchayat directing the 5th respondent to return the amounts taken by him, since he has not utilized the said amount for the purpose which was intended to. Petitioner states that in response to the letter, the Panchayat has not proceeded in the matter for initiating recovery proceedings

against the 4th and 5th respondents.

5. In our view, before approaching this court for a direction in the nature of a writ of mandamus, the petitioner ought to have reminded the Village Panchayat to take up appropriate proceedings against the respondents for recovery of amounts paid to the 4th and 5th respondents, since according to the petitioner, the same has not been utilized for the purpose which was intended to. Therefore, in our view, the Writ Petition is only premature and therefore, the same requires to be rejected. However, liberty is reserved to the petitioner to make appropriate representations before the Village Panchayat to take up appropriate proceedings against the 4th and 5th respondents. If, for any reason, the Village Panchayat does not act on the representations filed by the petitioner, he is at liberty to approach this Court.

With these observations, the Writ Petition is disposed of.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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